

TOWN OF YORK
ZONING BOARD OF APPEALS MINUTES
February 25, 2015

Present: Dick Ellis, Jerry Ayers, Jerry Sturm, Mark Connolly, Charity Donnan

Others: Carl Peter

Mr. Ayers opened the meeting at 7 pm. Mr. Ellis agreed to be the alternate chairman.

Mr. Ayers said that Mr. Campbell, the attorney, would like to meet with both the Zoning Board of Appeals and the Planning Board to do some training. Wednesday nights are good for everyone.

Mr. Peter suggested that since the board did not meet regularly to approve the minutes, they could be posted as unapproved minutes until they met to approve them. The board agreed.

Mr. Ayers said that Mr. David Russo needs an area variance to put in a undersized apartment at his commercial property at the corner of Rt. 36 & 63. There are two town board hearings tomorrow night. The first is a request by Mr. Russo for the Town Board to amend the zoning code to allow residential in commercial. The second is for the wind overlay. If the board adopts the first, then Mr. Russo will come to us for an undersized apartment.

Mr. Connolly said he had a lot of room to expand the apartment if he wanted to. Both Mr. Connolly and Mr. Ayers commented that they don't like the idea of apartments in commercial. Mr. Russo wants to put this apartment downstairs.

Mr. Peter stated that he does not have viable parking for commercial.

Mr. Ellis moved to approve the minutes of January 6, 2015 and Mrs. Donnan seconded. All in favor – 5 yes, 0 no's.

Kevin Simpson's house at 2957 Simpson Road sits on 3/10 acre and he wants to add to it to make it an acre (less than 3 acres required in an ag district). The 7/10 acre would remain in the ag district for another six years and then would be merged with the other.

7:30 pm Mr. Ayers called the public hearing to order

Present: Kevin & Judy Simpson, Tim Northrup, Kurt Richenburg

Mr. Simpson discussed what he wanted to do with his property on Simpson Road. He said the septic system spills out towards the east of the original boundary. He put another well in the north boundary. He would like to increase the house lot to 1.08 acres, not the three required which would take up viable farmland.

Mr. Ayers asked what the impact was in relationship to the ag district.

Mr. Simpson said that 1 acre would be merged in six years. If the variance was granted it would mean two separate tax bills until the properties were merged in 6 years.

Mr. Richenburg asked if this had ever come up before the Zoning Board before.

Mr. Ayers replied yes and it has been approved in the past.

There were no more questions from the board or from the public.

At 7:40 pm Mr. Ayers closed the public hearing and informed the Simpsons that the decision would be rendered and they would be notified of the decision.

Mr. Ayers said Heather Ferraro told him there's no penalty to pull out of the Ag district, but both parcels would be taxed.

Mr. Peter said the primary acre for the residence and the residual amount would have two different taxes.

Mr. Ayers asked Heather if it was an issue ZBA should be concerned with. Heather said no, it's all done automatically by the assessor.

Mr. Connolly said he didn't have a problem with the variance, it wasn't impinging on farmland.

Mr. Connolly moved to grant the area variance for Kevin Simpson, Mr. Ellis seconded. All in favor – 5 yes, 0 no

Mr. Ellis moved to close the meeting at 8 pm, Mr. Connolly seconded, all in favor – 5 yes, 0 no

Respectfully submitted,
Donna Falkner, Clerk